



## Senate

General Assembly

**File No. 374**

February Session, 2012

Substitute Senate Bill No. 391

*Senate, April 11, 2012*

The Committee on Human Services reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT EXPANDING ACCESS BY VETERANS TO PUBLIC ASSISTANCE PROGRAMS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1       Section 1. (NEW) (*Effective July 1, 2012*) (a) To the extent permissible  
2       by federal law, the Commissioner of Social Services shall disregard  
3       federal Aid and Attendance pension benefits granted to a veteran, as  
4       defined in section 27-103 of the general statutes, or the surviving  
5       spouse of such veteran when determining income eligibility for the  
6       state's Medicare savings, medical assistance and energy assistance  
7       programs administered under section 17b-2 of the general statutes.
- 8       (b) The Commissioner of Social Services may seek approval of an  
9       amendment to the state Medicaid plan or a waiver from federal law, if  
10      necessary, to exempt such benefits from income eligibility criteria.
- 11      Sec. 2. Subsection (c) of section 17b-191 of the 2012 supplement to  
12      the general statutes is repealed and the following is substituted in lieu  
13      thereof (*Effective July 1, 2012*):

14 (c) To be eligible for cash assistance under the program, a person  
15 shall (1) be (A) eighteen years of age or older; (B) a minor found by a  
16 court to be emancipated pursuant to section 46b-150; (C) under  
17 eighteen years of age and a member of a family eligible for cash or  
18 medical assistance under the program; or (D) under eighteen years of  
19 age and the commissioner determines good cause for such person's  
20 eligibility, and (2) not have assets exceeding two hundred fifty dollars.  
21 In determining eligibility, the commissioner shall not consider as  
22 income Aid and Attendance pension benefits granted to a veteran, as  
23 defined in section 27-103, or the surviving spouse of such veteran. No  
24 person who is a substance abuser and refuses or fails to enter available,  
25 appropriate treatment shall be eligible for cash assistance under the  
26 program until such person enters treatment. No person whose benefits  
27 from the temporary family assistance program have terminated as a  
28 result of time-limited benefits or for compliance with a program  
29 requirement shall be eligible for cash assistance under the program.

30 Sec. 3. Section 17b-256f of the 2012 supplement to the general  
31 statutes is repealed and the following is substituted in lieu thereof  
32 (*Effective July 1, 2012*):

33 Beginning October 1, 2009, and annually thereafter, the  
34 Commissioner of Social Services shall increase income disregards used  
35 to determine eligibility by the Department of Social Services for the  
36 federal Specified Low-Income Medicare Beneficiary, the Qualified  
37 Medicare Beneficiary and the Qualifying Individual Programs,  
38 administered in accordance with the provisions of 42 USC 1396d(p), by  
39 an amount that equalizes the income levels and deductions used to  
40 determine eligibility for said programs with income levels and  
41 deductions used to determine eligibility for the ConnPACE program  
42 under subsection (a) of section 17b-492. The commissioner shall not  
43 apply an asset test for eligibility under the Medicare Savings Program.  
44 The commissioner shall not consider as income Aid and Attendance  
45 pension benefits granted to a veteran, as defined in section 27-103, or  
46 the surviving spouse of such veteran. The Commissioner of Social  
47 Services, pursuant to section 17b-10, may implement policies and

48 procedures to administer the provisions of this section while in the  
49 process of adopting such policies and procedures in regulation form,  
50 provided the commissioner prints notice of the intent to adopt the  
51 regulations in the Connecticut Law Journal not later than twenty days  
52 after the date of implementation. Such policies and procedures shall be  
53 valid until the time final regulations are adopted.

54 Sec. 4. Subsection (a) of section 17b-492 of the 2012 supplement to  
55 the general statutes is repealed and the following is substituted in lieu  
56 thereof (*Effective July 1, 2012*):

57 (a) Eligibility for participation in the program shall be limited to any  
58 resident (1) who is sixty-five years of age or older or who is disabled,  
59 (2) whose current annual income at the time of application or  
60 redetermination, if unmarried, is less than twenty thousand eight  
61 hundred dollars or whose annual income, if married, when combined  
62 with that of the resident's spouse is less than twenty-eight thousand  
63 one hundred dollars, (3) who is not eligible for Medicare or insured  
64 under a policy which provides full or partial coverage for prescription  
65 drugs once a deductible is met, and (4) on and after September 15,  
66 1991, who pays an annual forty-five-dollar registration fee to the  
67 Department of Social Services. The commissioner shall not consider as  
68 income Aid and Attendance pension benefits granted to a veteran, as  
69 defined in section 27-103, or the surviving spouse of such veteran. On  
70 January 1, 2012, and annually thereafter, the commissioner shall  
71 increase the income limits established under this subsection over those  
72 of the previous fiscal year to reflect the annual inflation adjustment in  
73 Social Security income, if any. Each such adjustment shall be  
74 determined to the nearest one hundred dollars. On and after October 1,  
75 2009, new applications to participate in the ConnPACE program may  
76 be accepted only from the fifteenth day of November through the  
77 thirty-first day of December each year, except that individuals may  
78 apply within thirty-one days of (A) reaching sixty-five years of age, or  
79 (B) becoming eligible for Social Security Disability Income or  
80 Supplemental Security Income.

81 Sec. 5. Subsection (a) of section 17b-261 of the 2012 supplement to  
82 the general statutes is repealed and the following is substituted in lieu  
83 thereof (*Effective July 1, 2012*):

84 (a) Medical assistance shall be provided for any otherwise eligible  
85 person whose income, including any available support from legally  
86 liable relatives and the income of the person's spouse or dependent  
87 child, is not more than one hundred forty-three per cent, pending  
88 approval of a federal waiver applied for pursuant to subsection (e) of  
89 this section, of the benefit amount paid to a person with no income  
90 under the temporary family assistance program in the appropriate  
91 region of residence and if such person is an institutionalized  
92 individual as defined in Section 1917(c) of the Social Security Act, 42  
93 USC 1396p(c), and has not made an assignment or transfer or other  
94 disposition of property for less than fair market value for the purpose  
95 of establishing eligibility for benefits or assistance under this section.  
96 Any such disposition shall be treated in accordance with Section  
97 1917(c) of the Social Security Act, 42 USC 1396p(c). Any disposition of  
98 property made on behalf of an applicant or recipient or the spouse of  
99 an applicant or recipient by a guardian, conservator, person  
100 authorized to make such disposition pursuant to a power of attorney  
101 or other person so authorized by law shall be attributed to such  
102 applicant, recipient or spouse. A disposition of property ordered by a  
103 court shall be evaluated in accordance with the standards applied to  
104 any other such disposition for the purpose of determining eligibility.  
105 The commissioner shall establish the standards for eligibility for  
106 medical assistance at one hundred forty-three per cent of the benefit  
107 amount paid to a family unit of equal size with no income under the  
108 temporary family assistance program in the appropriate region of  
109 residence. In determining eligibility, the commissioner shall not  
110 consider as income Aid and Attendance pension benefits granted to a  
111 veteran, as defined in section 27-103, or the surviving spouse of such  
112 veteran. Except as provided in section 17b-277, the medical assistance  
113 program shall provide coverage to persons under the age of nineteen  
114 with family income up to one hundred eighty-five per cent of the  
115 federal poverty level without an asset limit and to persons under the

116 age of nineteen and their parents and needy caretaker relatives, who  
117 qualify for coverage under Section 1931 of the Social Security Act, with  
118 family income up to one hundred eighty-five per cent of the federal  
119 poverty level without an asset limit. Such levels shall be based on the  
120 regional differences in such benefit amount, if applicable, unless such  
121 levels based on regional differences are not in conformance with  
122 federal law. Any income in excess of the applicable amounts shall be  
123 applied as may be required by said federal law, and assistance shall be  
124 granted for the balance of the cost of authorized medical assistance.  
125 The Commissioner of Social Services shall provide applicants for  
126 assistance under this section, at the time of application, with a written  
127 statement advising them of (1) the effect of an assignment or transfer  
128 or other disposition of property on eligibility for benefits or assistance,  
129 (2) the effect that having income that exceeds the limits prescribed in  
130 this subsection will have with respect to program eligibility, and (3)  
131 the availability of, and eligibility for, services provided by the  
132 Nurturing Families Network established pursuant to section 17b-751b.  
133 Persons who are determined ineligible for assistance pursuant to this  
134 section shall be provided a written statement notifying such persons of  
135 their ineligibility and advising such persons of the availability of  
136 HUSKY Plan, Part B health insurance benefits.

137 Sec. 6. Subsection (a) of section 17b-261n of the 2012 supplement to  
138 the general statutes is repealed and the following is substituted in lieu  
139 thereof (*Effective July 1, 2012*):

140 (a) The Commissioner of Social Services shall, subject to federal  
141 approval, administer coverage under the Medicaid program for low-  
142 income adults in accordance with Section 1902(a)(10)(A)(i)(VIII) of the  
143 Social Security Act. To the extent permitted under federal law,  
144 eligibility for individuals covered pursuant to this section shall be  
145 based on the rules used to determine eligibility for the state-  
146 administered general assistance medical assistance program,  
147 including, but not limited to, the use of medically needy income limits,  
148 a one-hundred-fifty-dollars-per-month employment deduction and a  
149 three-month extension of assistance for individuals who become

150 ineligible solely due to an increase in earnings. In determining  
151 eligibility, the commissioner shall not consider as income Aid and  
152 Attendance pension benefits granted to a veteran, as defined in section  
153 27-103, or the surviving spouse of such veteran. The commissioner  
154 may amend the Medicaid state plan to establish an alternative benefit  
155 package for individuals eligible for Medicaid in accordance with the  
156 provisions of this section and as permitted by federal law. For  
157 purposes of this section, "alternative benefit package" may include, but  
158 is not limited to, limits on any of the following: (1) Health care  
159 provider office visits; (2) independent therapy services; (3) hospital  
160 emergency department services; (4) inpatient hospital services; (5)  
161 outpatient hospital services; (6) medical equipment, devices and  
162 supplies; (7) ambulatory surgery center services; (8) pharmacy  
163 services; (9) nonemergency medical transportation; and (10) licensed  
164 home care agency services.

165 Sec. 7. Section 17b-342 of the 2012 supplement to the general statutes  
166 is amended by adding subsection (l) as follows (*Effective July 1, 2012*):

167 (NEW) (l) In determining eligibility for the program described in  
168 this section, the commissioner shall not consider as income Aid and  
169 Attendance pension benefits granted to a veteran, as defined in section  
170 27-103, or the surviving spouse of such veteran.

171 Sec. 8. Subsection (a) of section 17b-342a of the general statutes is  
172 repealed and the following is substituted in lieu thereof (*Effective July*  
173 *1, 2012*):

174 (a) The Commissioner of Social Services shall, within available  
175 appropriations, establish and operate a state-funded pilot program to  
176 allow persons who are sixty-five years of age or older and meet the  
177 eligibility requirements of the Connecticut home-care program for the  
178 elderly established under section 17b-342 to receive personal care  
179 assistance provided such services are cost effective as determined by  
180 the Commissioner of Social Services. In determining eligibility, the  
181 commissioner shall not consider as income Aid and Attendance  
182 pension benefits granted to a veteran, as defined under section 27-103,

183 or the surviving spouse of such veteran. Persons who receive personal  
184 care assistance services pursuant to the pilot program established by  
185 section 47 of public act 00-2 of the June special session shall be  
186 included as participants of the pilot program established pursuant to  
187 this section. Personal care assistance under the program may be  
188 provided by nonspousal family members of the recipient of services  
189 under the program.

190 Sec. 9. Subsection (a) of section 17b-104 of the 2012 supplement to  
191 the general statutes is repealed and the following is substituted in lieu  
192 thereof (*Effective July 1, 2012*):

193 (a) The Commissioner of Social Services shall administer the  
194 program of state supplementation to the Supplemental Security  
195 Income Program provided for by the Social Security Act and state law.  
196 The commissioner may delegate any powers and authority to any  
197 deputy, assistant, investigator or supervisor, who shall have, within  
198 the scope of the power and authority so delegated, all of the power  
199 and authority of the Commissioner of Social Services. The  
200 commissioner shall establish a standard of need based on the cost of  
201 living in this state for the temporary family assistance program and the  
202 state-administered general assistance program. The commissioner  
203 shall make a reinvestigation, at least every twelve months, of all cases  
204 receiving aid from the state, except that such reinvestigation may be  
205 conducted every twenty-four months for recipients of assistance to the  
206 elderly or disabled with stable circumstances, and shall maintain all  
207 case records of the several programs administered by the Department  
208 of Social Services so that such records show, at all times, full  
209 information with respect to eligibility of the applicant or recipient. In  
210 the determination of need under any public assistance program, such  
211 income or earnings shall be disregarded as federal law requires, and  
212 such income or earnings may be disregarded as federal law permits. In  
213 determining eligibility, the commissioner shall disregard from income  
214 Aid and Attendance pension benefits granted to a veteran, as defined  
215 under section 27-103, or the surviving spouse of such veteran. The  
216 commissioner shall encourage and promulgate such incentive earning

217 programs as are permitted by federal law and regulations.

218 Sec. 10. Subsection (a) of section 17b-801 of the 2012 supplement to  
219 the general statutes is repealed and the following is substituted in lieu  
220 thereof (*Effective July 1, 2012*):

221 (a) The Commissioner of Social Services shall administer a state-  
222 appropriated fuel assistance program to provide, within available  
223 appropriations, fuel assistance to elderly and disabled persons whose  
224 household gross income is above the income eligibility guidelines for  
225 the Connecticut energy assistance program but does not exceed two  
226 hundred per cent of federal poverty guidelines. The income eligibility  
227 guidelines for the state-appropriated fuel assistance program shall be  
228 determined, annually, by the Commissioner of Social Services, in  
229 conjunction with the Secretary of the Office of Policy and  
230 Management. In determining eligibility, the commissioner shall not  
231 consider as income Aid and Attendance pension benefits granted to a  
232 veteran, as defined under section 27-103, or the surviving spouse of  
233 such veteran. The commissioner may adopt regulations, in accordance  
234 with the provisions of chapter 54, to implement the provisions of this  
235 subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	New section
Sec. 2	<i>July 1, 2012</i>	17b-191(c)
Sec. 3	<i>July 1, 2012</i>	17b-256f
Sec. 4	<i>July 1, 2012</i>	17b-492(a)
Sec. 5	<i>July 1, 2012</i>	17b-261(a)
Sec. 6	<i>July 1, 2012</i>	17b-261n(a)
Sec. 7	<i>July 1, 2012</i>	17b-342
Sec. 8	<i>July 1, 2012</i>	17b-342a(a)
Sec. 9	<i>July 1, 2012</i>	17b-104(a)
Sec. 10	<i>July 1, 2012</i>	17b-801(a)

**Statement of Legislative Commissioners:**

In section 1 a reference to section 27-103 was added for internal consistency, in the introductory language of section 7, a reference to



the 2012 supplement to the general statutes was inserted for accuracy and throughout the bill, "United States" before "veteran" was deleted for statutory consistency and consistency with the defined term.

**HS**      *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 13 \$</b>	<b>FY 14 \$</b>
Department of Social Services	GF - Cost	See Below	See Below

Note: GF=General Fund

***Municipal Impact:*** None

#### ***Explanation***

The bill requires the Department of Social Services (DSS) to disregard federal Aid and Attendance Pension (AAP) benefits when calculating eligibility for eight different DSS programs. This change will likely increase enrollment and associated program costs. The cost will depend upon the number of veterans with AAP benefits who receive benefits, for which they would not otherwise been eligible, which is not known. According to the state Department of Veterans' Affairs, approximately 450 individuals receive AAP benefits in Connecticut.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 391*****AN ACT EXPANDING ACCESS BY VETERANS TO PUBLIC ASSISTANCE PROGRAMS.*****SUMMARY:**

To the extent allowed by federal law, this bill directs the Department of Social Services (DSS) commissioner to disregard a veteran's or surviving spouse's federal Aid and Attendance Pension (AAP) benefits when calculating income for certain means-tested assistance programs.

He may apply to the federal Centers for Medicare and Medicaid Services for a state plan amendment or waiver from federal law if necessary.

EFFECTIVE DATE: July 1, 2012

**AAP PROGRAM FOR VETERANS**

Under state law, a veteran is any person honorably discharged or released under honorable conditions from active service in the armed forces (the Air Force, Army, Coast Guard, Marine Corps, and Navy).

The AAP program assists single and married veterans and surviving spouses who need regular assistance with such things as dressing, bathing, cooking, taking off prosthetics, and leaving home.

The program provides monthly cash benefits of up to \$1,704 for single veterans, \$2,020 for couples, and \$1,094 for surviving spouses.

**STATE ASSISTANCE PROGRAMS**

Under the bill, the DSS income disregards would apply to the:

1. State-Administered General Assistance (SAGA cash) program;

2. Medicare Savings programs;
3. Connecticut Pharmacy Assistance for Elders,
4. Medicaid,, including Medicaid for Low Income Adults programs;
5. Connecticut Home Care Program for the Elderly (CHCPE),
6. Personal Care Assistance Pilot Program under CHCPE,
7. State Supplementation to the Supplemental Security Income Program, and
8. Fuel and Weatherization Program

**COMMITTEE ACTION**

Human Services Committee

Joint Favorable

Yea 16      Nay 0      (03/22/2012)